



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**α -KETO ACID REDUCTASE, METHOD FOR PRODUCING THE SAME,
AND METHOD FOR PRODUCING OPTICALLY ACTIVE α -HYDROXY ACIDS
USING THE SAME**

the specification of which was filed on July 15, 2003.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Lahive & Cockfield, LLP**, 28 State Street, Boston, Massachusetts 02109, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☐ no such foreign applications have been filed

☒ such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| Application Number | Country | Date of Filing | Priority Claimed Under 35 USC 119 |
|--------------------|---------|----------------|--------------------------------------|
| 2002-207507 JP | JP | July 16, 2002 | <u> x </u> Yes No <u> </u> |
| | | | <u> </u> Yes No <u> </u> |
| | | | <u> </u> Yes No <u> </u> |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| Application Number | Country | Date of Filing |
|--------------------|---------|----------------|
| | | |
| | | |
| | | |

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☒ no such U.S. provisional applications have been filed.

☐ such U.S. provisional application have been filed as follows:

| Application Number | Date of Filing | Priority Claimed Under 35 USC 119 |
|--------------------|----------------|--------------------------------------|
| | | <u> </u> Yes No <u> </u> |
| | | <u> </u> Yes No <u> </u> |
| | | <u> </u> Yes No <u> </u> |

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

| Application Number | Relationship | Parent Application | Date of Filing |
|--------------------|--------------|--------------------|----------------|
| | | | |
| | | | |
| | | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

| | | | | | |
|------------------------|--------|--------------------------------------|--------|---------------------------|---------|
| James E. Cockfield | 19,162 | Peter C. Lauro | 32,360 | Theodore R. West | 47,202 |
| Thomas V. Smurzynski | 24,798 | Jeanne M. DiGiorgio | 41,710 | Hathaway P. Russell | 46,488 |
| Ralph A. Loren | 29,325 | Megan E. Williams, Ph.D. | 43,270 | John S. Curran | 50,445 |
| Giulio A. DeConti, Jr. | 31,503 | Jeremiah Lynch | 17,425 | Lisa M. DiRocco | 51,619 |
| Elizabeth A. Hanley | 33,505 | David J. Ridders | 43,882 | Danielle L. Herritt | 43,670 |
| Amy E. Mandragouras | 36,207 | * Maria Laccotripe Zacharakis, Ph.D. | | Cynthia M. Soroos | 53,623 |
| Anthony A. Laurentano | 38,220 | Debra J. Milasincic, Ph.D. | 46,931 | Jonathan M. Sparks, Ph.D. | 53,624 |
| Kevin J. Canning | 35,470 | David R. Burns | 46,590 | Merideth C. Arnold | 52,568 |
| Jane E. Remillard | 38,872 | Sean D. Detweiler | 42,482 | Peter W. Dini, Ph.D. | 52,821 |
| DeAnn F. Smith | 36,683 | Cynthia L. Kanik, Ph.D. | 37,320 | Andrina Williams Zink | P54,539 |

* Limited Recognition Under 37 C.F.R. § 10.9(b)

all of **Lahive & Cockfield, LLP**, 28 State Street, Boston, Massachusetts 02109, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Please mail all correspondence to Elizabeth A. Hanley at **Customer Number 00959**, whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

Please direct telephone calls to: Elizabeth A. Hanley at (617) 227-7400.

Please direct facsimiles to: (617) 742-4214

| | |
|---|--------------------------------|
| Full name of sole or first inventor Norihiro Kimoto | |
| Sole or first inventor's signature <i>Norihiro Kimoto</i> | Date <i>August 19, 2003</i> |
| Residence Ibaraki, Japan | |
| Citizenship Japan | |
| Mailing Address 1-14-14-401, Sengen, Tsukuba-shi Ibaraki 305-0047 JAPAN | |

| | |
|---|--------------------------------|
| Full name of second inventor, if any Hiroaki Yamamoto | |
| Second inventor's signature <i>Hiroaki Yamamoto</i> | Date <i>August 19, 2003</i> |
| Residence Ibaraki, Japan | |
| Citizenship Japan | |
| Mailing Address 1-14-14-103, Sengen, Tsukuba-shi Ibaraki 305-0047 JAPAN | |

| | |
|-------------------------------------|------|
| Full name of third inventor, if any | |
| Third inventor's signature | Date |
| Residence | |
| Citizenship | |
| Mailing Address | |

| | |
|--------------------------------------|------|
| Full name of fourth inventor, if any | |
| Fourth inventor's signature | Date |
| Residence | |
| Citizenship | |
| Mailing Address | |



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

| | |
|----------------------|-----------------------|
| Application Number | 10/619779-Conf. #3310 |
| Filing Date | July 15, 2003 |
| First Named Inventor | Norihiro Kimoto |
| Examiner Name | Not Yet Assigned |
| Art Unit | 1744 |
| Attorney Docket No. | SHZ-015 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

12-0080

Deposit
Account
Name

Lahive & Cockfield, LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | | Extra Claims | | Fee from below | | Fee Paid |
|-----------------------|----------------------|-------|----------------------|---|----------------------|---|----------------------|
| Total Claims | <input type="text"/> | -** = | <input type="text"/> | x | <input type="text"/> | = | <input type="text"/> |
| Independent Claims | <input type="text"/> | -** = | <input type="text"/> | x | <input type="text"/> | = | <input type="text"/> |
| Multiple Dependent | <input type="text"/> | | | | <input type="text"/> | = | <input type="text"/> |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | 130.00 |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

| | | | | | |
|-------------------|---------------------|-----------------------------------|-------------------|-----------|----------------|
| Name (Print/Type) | Jeanne M. DiGiorgio | Registration No. (Attorney/Agent) | 41,710 | Telephone | (617) 227-7400 |
| Signature | | Date | December 15, 2003 | | |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 311016821 US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 15, 2003

Signature:

(Jeanne M. DiGiorgio)